

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GARY CAUDILL, SYLVESTOR J. DEROSA,
STEVEN D. FORD, SR., JAMES HILTON,
DAVID MCKILLOP, DONALD MURPHY,
SUZANNE J. NOVAK, and GREGORY TILL, on
behalf of themselves and those similarly
situated,

Plaintiffs,

v.

Case No. 06-12866

SEARS TRANSITION PAY PLAN, as amended
and restated January 1, 2004, SEARS
ROEBUCK AND CO., SEARS HOME
IMPROVEMENT PRODUCTS, INC., and SEARS
HOLDINGS CORPORATION, as Plan
Administrators and Employers, jointly and
severally,

District Judge Arthur J. Tarnow

Magistrate Judge Virginia M. Morgan

Defendants.

**ORDER DETERMINING NOTICE OF CLASS CERTIFICATION;
GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION [195] FOR CLARIFICATION
OF CLASS;
GRANTING PLAINTIFFS' MOTION [196] FOR RENEWED CLASS-WIDE DISCOVERY AND
MOTION [205] TO COMPEL;
GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION [212] TO COMPEL;
AND GRANTING DEFENDANTS' MOTION TO EXTEND TIME [213]**

Before the court are the competing notices of class certification; plaintiffs' motion for clarification of class; plaintiffs' renewed motion for class-wide discover; plaintiffs' motion to compel discovery; defendants' motion to compel responses to its discovery requests into plaintiffs' procedural challenge; and defendants' motion to extend time. These motions came on for a hearing on August 19, 2009.

For the reasons stated on the record, plaintiff's notice, with the modifications imposed by the court during the hearing, shall be disseminated as the notice of class certification by August

28, 2009.

Plaintiffs' motion for clarification of class is granted in part as to Bruno Vecchiarelli, Gil Yaras, Daryl Geiger, and Edwin Goldberg. They are part of the class, unless they opt out. As for Edwin Goldberg only, defendants may conduct discovery as discussed on the record for the limited purpose of ascertaining whether he filed a written claim for severance benefits under the terms of the Plan. As for the rest of the 12 potential class members, the motion is denied. The motion is granted in part as to the 6 potential class members in the following way: defendants shall provide updated contact information for these 6 members by the end of August.

Plaintiffs' motions for renewed class-wide discovery and to compel are granted. Defendants have until September 30 to comply.

Defendants' motion to compel is granted in part and denied in part: plaintiffs shall provide more information as discussed during the hearing.

Defendants' motion to extend time is granted. Defendants shall produce the administrative records by August 31.

Discovery motions shall be filed by September 15. Dispositive motions or supplements to dispositive motions are due October 22.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

06-12866

Dated: August 20, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 20, 2009, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager